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United States Department of Agriculture,

BUREAU OF BIOLOGICAL SURVEY—CIRCULAR No. 92.

HENRY W. HENSHAW, Chief of Bureau.

PROPOSED REGULATIONS FOR THE PROTECTION OF MIGRATORY BIRDS.

WASHINGTON, D. C., *June 17, 1913.*

Pursuant to the provisions of the act of March 4, 1913, authorizing and directing the Department of Agriculture to adopt suitable regulations prescribing and fixing closed seasons for migratory birds (37 Stat., 847), regulations, copy of which is hereto annexed, have been prepared, are hereby made public, and are hereby proposed for adoption, after allowing a period of three months in which the same may be examined and considered. The regulations, as finally adopted, will become effective on or after October 1, 1913, whenever approved by the President.

Public hearings on the proposed regulations will be held by the Bureau of Biological Survey of this department whenever deemed necessary. Inquiries in reference thereto should be addressed to the Secretary of Agriculture.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

REGULATIONS FOR THE PROTECTION OF MIGRATORY BIRDS.

Pursuant to the provisions of the act of March 4, 1913, authorizing and directing the Department of Agriculture to adopt suitable regulations prescribing and fixing closed seasons for migratory birds (37 Stat., 847), having due regard to zones of temperature, breeding

habits, and times and lines of migratory flight, the Department of Agriculture has adopted the following regulations:

Regulation 1. Definitions.

For the purposes of these regulations the following shall be considered migratory game birds:

- (a) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidæ or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidæ or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolæ or shore birds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plover, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellow legs.
- (e) Columbidæ or pigeons, including doves and wild pigeons.

For the purposes of these regulations the following shall be considered migratory insectivorous birds:

- (f) Bobolinks, catbirds, chickadees, cuckoos, flycatchers, grosbeaks, humming birds, kinglets, martins, meadow larks, night hawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

Regulation 2. Closed seasons at night.

A daily closed season on all migratory game and insectivorous birds shall extend from sunset to sunrise.

Regulation 3. Closed season on insectivorous birds.

A closed season on migratory insectivorous birds shall continue to December 31, 1913, and each year thereafter shall begin January 1 and continue to December 31, both dates inclusive, provided that nothing in this regulation shall be construed to prevent the issue of permits for collecting such birds for scientific purposes in accordance with the laws and regulations in force in the respective States and Territories and the District of Columbia; and provided further that the closed season on reedbills or ricebirds in Delaware, Maryland, the District of Columbia, Virginia, and South Carolina shall begin November 1 and end August 31 next following, both dates inclusive.

Regulation 4. Five-year closed seasons on certain game birds.

A closed season shall continue until September 1, 1918, on the following migratory game birds: Band-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shorebirds except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs.

A closed season shall also continue until September 1, 1918, on wood ducks in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, West Virginia, and Wisconsin; on rails in California and Vermont; and on woodcock in Illinois and Missouri.

Regulation 5. Closed season on certain navigable rivers.

A closed season shall continue between January 1 and October 31, both dates inclusive, of each year, on all migratory birds passing over or at rest on any of the waters of the main streams of the following navigable rivers, to wit: The Mississippi River between New Orleans, La., and Minneapolis, Minn.; the Ohio River between its mouth and Pittsburgh, Pa.; and the Missouri River between its mouth and Bismarck, N. Dak.; and on the killing or capture of any of such birds on or over the shores of any of said rivers, or at any point within the limits aforesaid, from any boat, raft, or other device, floating or otherwise, in or on any such waters.

Regulation 6. Zones.

The following zones for the protection of migratory game and insectivorous birds are hereby established:

Zone No. 1, the breeding zone, comprising States lying wholly or in part north of latitude 40° and the Ohio River and including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Oregon, and Washington—25 States.

Zone No. 2, the wintering zone, comprising States lying wholly or in part south of latitude 40° and the Ohio River and including Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, New Mexico, Arizona, California, Nevada, and Utah—23 States and the District of Columbia.

Regulation 7. Construction.

For the purposes of regulations 8 and 9, each period of time therein prescribed as a closed season shall be construed to include the first day and to exclude the last day thereof.

Regulation 8. Closed seasons in Zone No. 1.

Closed seasons in zone No. 1 shall be as follows:

Waterfowl.—The closed season on waterfowl shall be between December 16 and September 1 next following, except as follows:

Exceptions: In Massachusetts the closed season shall be between January 1 and September 15.

In Minnesota and North Dakota the closed season shall be between December 16 and September 7.

In South Dakota the closed season shall be between December 16 and September 10.

In New York, other than on Long Island, and in Oregon the closed season shall be between December 16 and September 16.

In New Hampshire, Long Island, New Jersey, and Washington the closed season shall be between January 16 and October 1.

Rails.—The closed season on rails, coots, and gallinules shall be between December 1 and September 1 next following, except as follows:

Exceptions: In Massachusetts and Rhode Island the closed season shall be between December 1 and August 1.

In New York and on Long Island the closed season shall be between December 1 and September 16; and

On rails in California and Vermont the closed season shall be until September 1, 1918.

Woodcock.—The closed season on woodcock shall be between December 1 and October 1 next following, except as follows:

Exceptions: In Maine and Vermont the closed season shall be between December 1 and September 15.

In Massachusetts, Connecticut, and New Jersey the closed season shall be between December 1 and October 10.

In Rhode Island, Pennsylvania, and on Long Island the closed season shall be between December 1 and October 15; and

In Illinois and Missouri the closed season shall be until September 1, 1918.

Shore birds.—The closed season on black-breasted and golden plover, jacksnipe or Wilson snipe, and greater or lesser yellowlegs shall be between December 16 and September 1 next following, except as follows:

Exceptions: In Maine, Massachusetts, and on Long Island the closed season shall be between December 16 and August 1.

In Minnesota and North Dakota the closed season shall be between December 16 and September 7.

In South Dakota the closed season shall be between December 16 and September 10.

In New York, other than Long Island, and in Oregon the closed season shall be between December 16 and September 16; and

In New Hampshire and Washington the closed season shall be between December 16 and October 1.

Regulation 9. Closed seasons in Zone No. 2.

Closed seasons in zone No. 2 shall be as follows:

Waterfowl.—The closed season on waterfowl shall be between January 16 and October 1 next following, except as follows:

Exceptions: In Kansas, Oklahoma, New Mexico, and Arizona the closed season shall be between December 16 and September 1; and

In Maryland, Virginia, North Carolina, and South Carolina the closed season shall be between February 1 and November 1.

Rails.—The closed season on rails, coots, and gallinules shall be between December 1 and September 1 next following, except as follows:

Exceptions: In Tennessee and Louisiana the closed season shall be between December 1 and October 1; and

In Arizona the closed season shall be between December 1 and October 15.

Woodcock.—The closed season on woodcock shall be between January 1 and November 1, except as follows:

Exceptions: In Louisiana the closed season shall be between January 1 and November 15; and

In Georgia the closed season shall be between January 1 and December 1.

Shore birds.—The closed season on black-breasted and golden plover, jacksnipe or Wilson snipe, and greater and lesser yellowlegs shall be between December 16 and September 1, next following, except as follows:

Exceptions: In Alabama the closed season shall be between December 16 and November 1.

In Louisiana and Tennessee the closed season shall be between December 16 and October 1.

In Arizona the closed season shall be between December 16 and October 15.

In Utah, on snipe the closed season shall be between December 16 and October 1, and on plover and yellowlegs shall be until September 1, 1918.

Regulation 10. Hearings.

Persons recommending changes in the regulations or desiring to submit evidence in person or by attorney as to the necessity for such changes should make application to the Secretary of Agriculture. Whenever possible hearings will be arranged at central points, and due notice thereof given by publication or otherwise as may be deemed appropriate. Persons recommending changes should be prepared to show the necessity for such action and to submit evidence other than that based on reasons of personal convenience or a desire to kill game during a longer open season.

FEDERAL LAW FOR THE PROTECTION OF MIGRATORY BIRDS.

[37 Stat., 847.]

[Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned not more than ninety days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however,* That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions, the sum of \$10,000.

Approved, March 4, 1913.

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